

## **Remarks**

Applicant has reviewed the Office Action dated as mailed July 16, 2010 and the documents cited therewith and the present amendment has been prepared in response thereto. Claims 1-5 and 7-13 have been amended, claim 6 has been cancelled and new claims 14-20 have been added.

The Examiner objected to the specification because the Abstract used “means” language. The specification including the Abstract has been reviewed and amended to correct the informality noted by the Examiner as well as minor errors of a grammatical or typographical nature noted by applicant. No new matter has been added by these amendments.

The claims have also been amended to correct the informalities noted by the Examiner in paragraphs 3 and 4 of the Office Action. The claims have also been amended to more clearly define applicants’ invention.

Claims 1 through 13 were rejected as being anticipated by Marks. Claim 1 sets forth a clamping and/or spreading tool comprising:

- a rod,
- an entraining mechanism for displacing said rod in a first direction and for blocking displacement of the rod in a second direction opposite to the first direction;
- a lock, independent of said entraining mechanism, for blocking displacement of said rod in said second direction, and
- a releasing means for canceling the blocking effect of said entraining mechanism and of said lock.

Thus, claim 1 sets forth a lock and an entraining mechanism, both of which block the rod from being displaced in the second direction. The entraining mechanism also moves the rod in the first direction to clamp or spread an article. The releasing means functions to cancel the blocking effect of the entraining mechanism and the lock.

In Marks a lock wedge 90a and a drive wedge 90b are provided; however, the drive wedge does not block displacement of the bar 60 in a second direction as required by claim 1. In Marks the drive wedge is specifically designed to allow the bar 60 to move in the second direction. Marks states:

“To prevent binding of wedge 90b during the return stroke the bottom of wedge 90b must not move forward of the wedge top, as it would then become effectively a forward drive stroke. As described above the relative position of spring end 82 above lever contact 71 ensures the correct wedge angle so that opening 91 maintains clearance about bar 60 during a return stroke... There is then clearance between bar 60 and opening 95 of drive wedge 90b so that bar 60 can move forward through drive wedge 90b when lock wedge 90a is released. In fact fulcrum 33 will normally contact lever 70 in FIG. 2, while handle 30 will have some freeplay until wedge 90b rotates about rib 12 enough to bind bar 60 in the drive stroke.” Marks col. 6, lines 32 – 55.

Thus, the device in Marks is specifically designed to allow the bar to move relative to the drive wedge 90b in the second direction when the lock wedge 90a is released.

As a result, in Marks the release tab 50 operates to only release lock wedge 90a. Marks states:

“To release jaw 20 and bar 60, the bottom of lock wedge 90a is forced rearward. Various methods to release wedge 90a may be used...

In the preferred embodiment release tab 50 is a separate plastic element of the tool.” Marks col. 8, lines 54 – 67.

Thus, Marks also does not disclose “a releasing means for canceling the blocking effect of said entraining mechanism and of said lock” [emphasis added] as set forth in claim 1.

It is submitted that Marks does not anticipate claim 1 because it does not disclose either “an entraining mechanism ... for blocking displacement of the rod in a second direction opposite to the first direction” or “a releasing means for canceling the blocking effect of said entraining mechanism and of said lock”. It is submitted that claim 1 defines over the art of record and is allowable.

Claim 2 sets forth that the releasing means cancels the blocking effect of the entraining mechanism and of the lock substantially simultaneously. Because the release in Marks does not operate on the drive wedge, Marks does not disclose that the releasing means cancels the blocking effect of both the entraining mechanism and lock simultaneously. It is submitted that claim 2 is separately allowable.

Claim 3 sets forth that the releasing means cancels the blocking effect of the entraining mechanism and of the lock successively. Again, because the release in Marks does not operate on the drive wedge, Marks does not disclose that the releasing means cancels the blocking effect of both the entraining mechanism and lock successively. It is submitted that claim 3 is separately allowable.

Both claim 4 and claim 5 set forth that a plunger moves the entraining mechanism and lock to a non-blocking position when the trigger is actuated. Marks does not disclose an element that moves both the lock wedge and drive wedge to non-blocking positions. It is submitted that claims 4 and 5 are separately allowable.

Claim 7 sets forth that the trigger is pivotally mounted on a support at a pivot mount where the pivot mount is located substantially level with the rod. In Marks the locking wedge 90a is released by tab 50 and extension 56, neither of which is located level with bar 60. It is submitted that claim 7 is separately allowable.

Regarding claim 8 Marks does not show a further locking part in addition to the entraining mechanism and lock. In fact Marks only shows a single locking device, lock wedge 90a, (because drive wedge 90b does not perform a locking function as explained above). It is submitted that claim 8 is separately allowable.

Claim 10 sets forth that the spring and the releasing means engage the lock on opposite sides of the rod. In Marks, spring 80 and release mechanism 51, 56 engage lock wedge 90a on the same side of bar 60. It is submitted that claim 3 is separately allowable.

New claim 14 sets forth a clamping and/or spreading tool comprising:

a rod,

an entraining mechanism movable between a first position for displacing said rod in a first direction and for blocking displacement of the rod in a second direction opposite to the first direction and a second position for allowing displacement of the rod in the second direction;

a lock, independent of said entraining mechanism, movable between a third position for blocking displacement of said rod in said second direction and a fourth position for allowing displacement of the rod in the second direction, and

a trigger movable between a passive position and an actuated position, said trigger operatively connected to the entraining mechanism and the lock to move the entraining mechanism from the first position to the second position and the lock from the third position to the fourth position when the trigger is moved from the passive position to the actuated position.

As explained with respect to claim 1, Marks does not disclose “an entraining mechanism... blocking displacement of the rod in a second direction opposite to the first direction” or a “trigger operatively connected to the entraining mechanism and the lock to move the entraining mechanism from the first position to the second position and the lock from the third position to the fourth position when the trigger is moved from the passive position to the actuated position”. In Marks the release tab 50 only releases the lock wedge 90a and the drive wedge 90b does not block movement of the bar 60 in the second direction. It is submitted that claim 14 defines over the art of record and is allowable.

Regarding claim 15 Marks fails to disclose a trigger that directly contacts the lock as the trigger moves from the passive position to the actuated position. It is submitted that claim 15 is allowable.

Regarding 16 claim Marks fails to disclose that the trigger contacts the entraining mechanism through a plunger as the trigger moves from the passive position to the actuated position and regarding claim 17 Marks fails to disclose that the trigger contacts the entraining mechanism and the lock through a plunger as the trigger moves from the passive position to the actuated

position. It is submitted that claims 16 and 17 are allowable.

Regarding claim 20 Marks fails to disclose a plunger in operative engagement with the trigger and moving with the trigger, a first spring between the plunger and the lock for biasing the lock to the third position when the trigger is in the passive position and for allowing the lock to move to the fourth position when the trigger is moved from the passive position to the actuated position, said plunger moving the entraining mechanism from the first position to the second position when the trigger is moved from the passive position to the actuated position. It is submitted that claim 20 is allowable.

The remaining claims all depend from one of the claims discussed above and are allowable for at least the same reasons.

In summary, it is submitted that all of the pending claims are allowable and that the application is in condition for allowance.

If the Examiner has any questions about the present Amendment a telephone interview is requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4365.

Respectfully submitted,

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